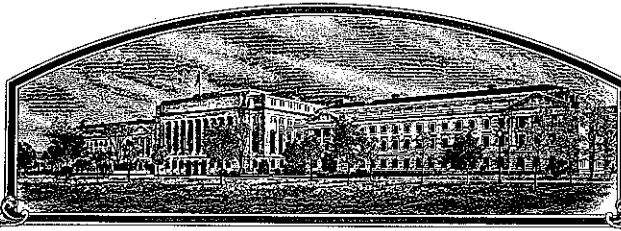


No.

9700271



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

*Willhite Seed Inc.*

*Whereas*, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED, PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT' (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WATERMELON

'Legacy'

*In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this thirty-first day of March, in the year of our Lord two thousand.*



*Attest:*

*Km Marie Jo*

Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

*Stan Glickman*

Secretary of Agriculture

9700271

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE  
(Instructions on reverse)

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) (as it is to appear on the Certificate) <b>Willhite Seed Inc</b>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NO. <b>C270</b>	3. VARIETY NAME <b>Legacy</b> <i>AAA 28 Mar 2000</i>
4. ADDRESS (street and no. or R.F.D. no., city, state, and ZIP) <b>P.O. Box 23 Poolville, TX. 76487</b>		5. PHONE (include area code) <b>817-599-8656</b> FAX <b>817-599-5843</b>	FOR OFFICIAL USE ONLY PVPO NUMBER <i>Per delayed cert. issued</i> <b>9700271</b> <i>ARM</i>
6. GENUS AND SPECIES NAME <b>Citrullus lanatus</b>	7. FAMILY NAME (Botanical) <b>Cucurbitaceae</b>		F I L I N G Date <b>4-10-97</b> Time <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.
8. CROP KIND NAME (Common Name) <b>Watermelon</b>	9. DATE OF DETERMINATION <b>9-93</b>		F E E S Filing and Examination Fee: \$ <b>2,450.00</b> Date <b>04-10-97</b>
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) <b>Corporation</b>		R E C E I V E D Certificate Fee: \$ <b>300-</b> Date <b>2/25/00</b>	
11. IF INCORPORATED, GIVE STATE OF INCORPORATION <b>Texas</b>	12. DATE OF INCORPORATION <b>9-94</b>		
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS <b>Don Dobbs P.O. Box 23 Poolville, TX. 76487</b>			
			PHONE (include area code): <b>817-599-8656</b>

14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow INSTRUCTIONS on reverse)

- a. ☒ Exhibit A, Origin and Breeding History of the Variety.  
b. ☒ Exhibit B, Novelty Statement.  
c. ☒ Exhibit C, Objective Description of Variety.  
d. ☐ Exhibit D, Additional Description of Variety.  
e. ☒ Exhibit E, Statement of the Basis of Applicant's Ownership.  
f. ☒ Seed Sample (2,500 viable untreated seeds). Date Seed Sample mailed to Plant Variety Protection Office \_\_\_\_\_  
g. ☒ Filing and Examination Fee (\$2,150) made payable to "Treasurer of the United States."

15. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See section 83(a) of the Plant Variety Protection Act.)

☐ YES (If "YES," answer items 16 and 17 below) ☒ NO (If "NO," skip to item 18 below)

16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?

☐ YES ☒ NO

17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?

☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

18. DID THE APPLICANT(S) PREVIOUSLY FILE FOR PROTECTION OF THE VARIETY IN THE U.S.?

☐ YES (If "YES," through ☐ Plant Variety Protection Act ☐ Patent Act. Give date: \_\_\_\_\_)  
☒ NO

19. HAS THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETING IN THE U.S. OR OTHER COUNTRIES?

☐ YES (If "YES," give names of countries and dates)  
☒ NO

20. The applicant(s) declare(s) that a viable sample of basic seeds of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in section 41, and is entitled to protection under the provisions of section 42 of the Plant Variety Protection Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF APPLICANT [Owner(s)] <b>Don Dobbs</b>	CAPACITY OR TITLE <b>President</b>	DATE <b>4/8/97</b>
SIGNATURE OF APPLICANT [Owner(s)] <b>Don Dobbs</b>	CAPACITY OR TITLE <b>President</b>	DATE <b>4/8/97</b>

# Willhite Seed Inc

P.O. Box 23  
Poolville, Texas 76487

Phone(817)599-8656

Fax(817)599-5843

## Attachment

### ITEM

#### 14a. Origin and Breeding History of the Variety

### C270-Watermelon

New Hampshire Midget

X >- = Early Gray(Named Variety)  
Charleston Gray

then

Early Gray

X >- =Little Jubilee 4 (Private Line)  
Jubilee

then

Little Jubilee 4

X >- =selected in the 2nd generation which was grown in 1988. In 1989,  
Verona a good tasting crisp red flesh selection was selfed for four  
generations and then it was increased in 1995 for breeders seed.  
There were no off-types in this increase, however if a "variant"  
could be identified it would be a fruit slightly longer in shape and  
slightly smaller in girth (less than 1/1000)

C270 is an F7 selection from Little Jubilee 4 X Verona. C270 has an Alsweet color rind and  
good tasting non-fibrous red flesh with large dark mottled brown seed.

**14b. Novelty Statement**

The closest commercial Willhite variety to C270 is Long Crimson and it has small charcoal black seed that averages 10,000 per pound. Allsweet would be another well-known commercial variety and it has small brown mottled seed that averages 12,000 per pound. The C270 is unique to all known commercial varieties as it has a large brown mottled seed that averages 4,500 to 5,000 per pound. The seed size would make it distinct from any other known Allsweet type variety.

For comparison and evaluation we have enclosed seed samples of Long Crimson, Allsweet and C270.

UNITED STATES DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL MARKETING SERVICE  
 LIVESTOCK, POULTRY, GRAIN & SEED DIVISION  
 BELTSVILLE, MARYLAND 20705

EXHIBIT C  
 (Watermelon)

OBJECTIVE DESCRIPTION OF VARIETY  
 WATERMELON (*CITRULLUS LANATUS*)

INSTRUCTIONS: See Reverse.

NAME OF APPLICANT(S)

*Willhite Seed Inc*

ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)

*P.O. Box 23*

*Poolville, TX 76487*

FOR OFFICIAL USE ONLY

PVPO NUMBER

*9700271*

VARIETY NAME OR TEMPORARY DESIGNATION

Place the appropriate number that describes the varietal character of this variety in the boxes below.  
 Place a zero in first box (e.g.  or ) when number is either 99 or less or 9 or less.

1. TYPE:

1 = OBLONG

2 = ROUND LARGE

3 = ROUND SMALL (*icebox*)

2. AREA OF BEST ADAPTATION:

1 = SOUTH

2 = NORTHEAST/NORTHCENTRAL

3 = SOUTHWEST

4 = MOST AREAS

3. EMERGENCE TO ANTHESIS:

NO. OF DAYS EARLIER THAN .....

1 = CHARLESTON GREY

NO. OF DAYS LATER THAN .....

2 = OTHER (*Specify*)

*Mickylee*

4. POLLINATION TO MATURITY:

NO. OF DAYS EARLIER THAN .....

1 = CHARLESTON GREY

NO. OF DAYS LATER THAN .....

2 = OTHER (*Specify*)

*Mickylee*

5. PLOIDY:

1 = DIPLOID

2 = TETRAPLOID

3 = TRIPLOID

6. PLANT

Cotyledon:

1 = FLAT

2 = FOLDED

1 = MONOECIOUS

2 = ANDROMONOECIOUS

Number of flowers per plant at first fruit set:

STAMINATE

PISTILLATE

PERFECT

NO. OF MAIN STEMS AT CROWN

7. STEM:

1 = ROUND

2 = ANGULAR

MM. DIAMETER AT SECOND NODE

1 = GLABROUS

2 = SCABROUS

3 = PUBESCENT

4 = BRISTLED

CM. VINE LENGTH  $\div$  NO. OF INTERNODES (*At last harvest*)

8. LEAF:

1 = OVATE

2 = OBOVATE

3 = ROUND

1 = LONGER THAN WIDE 2 = LENGTH-WIDTH EQUAL  
 3 = WIDER THAN LONG

Dorsal Surface:

1 = SMOOTH

2 = PUBESCENT

Ventral Surface:

Color:

1 = LIGHT GREEN

2 = GRAY GREEN

3 = MEDIUM GREEN

4 = DARK GREEN

9. FLOWER (*At first fruit set*):

Staminate: CM. ACROSS

Perfect: CM. ACROSS

Color:

1 = LEMON YELLOW

2 = YELLOW 3 = ORANGE

## 10. MATURE FRUIT:

<input type="text" value="3"/> 1 = ROUND	<input type="text" value="2"/> 2 = OVAL	<input type="text" value="3"/> 3 = CYLINDRICAL	<input type="text" value="5"/> <input type="text" value="6"/> CM. LONG	<input type="text" value="2"/> <input type="text" value="1"/> CM. DIAMETER AT MIDSECTION
<input type="text" value="1"/> <input type="text" value="2"/> KG. AVERAGE WEIGHT	<input type="text" value="2"/> <input type="text" value="7"/> INDEX = LENGTH $\div$ DIAMETER X 10			
<input type="text" value="1"/> 1 = SMOOTH	<input type="text" value="2"/> 2 = SLIGHTLY GROOVED	<input type="text" value="3"/> 3 = DEEPLY GROOVED		
<input type="text" value="2"/> Color: 1 = SOLID (One color)	<input type="text" value="2"/> 2 = STRIPE	<input type="text" value="3"/> 3 = MOTTLE/NET		
<input type="text" value="3"/> Primary Color: 1 = YELLOW GREEN (Desert King)	<input type="text" value="2"/> 2 = LIGHT GREEN (Charleston Grey)	<input type="text" value="3"/> 3 = MEDIUM GREEN (Sugar Baby)		
<input type="text" value="2"/> Secondary Color: 4 = DARK GREEN (Florida Giant)	<input type="text" value="5"/> 5 = OTHER (Specify)			

## 11. RIND:

<input type="text" value="3"/> 1 = TENDER	<input type="text" value="2"/> 2 = BRITTLE	<input type="text" value="3"/> 3 = TOUGH	<input type="text" value="1"/> <input type="text" value="0"/> THICKNESS MM. BLOSSOM END
			<input type="text" value="1"/> <input type="text" value="6"/> THICKNESS MM. SIDES

## 12. FLESH:

<input type="text" value="1"/> 1 = CRISP	<input type="text" value="2"/> 2 = SOFT	<input type="text" value="2"/> 1 = COARSE-FIBROUS	<input type="text" value="2"/> 2 = FINE-LITTLE FIBER
<input type="text" value="4"/> Color: 1 = YELLOW	<input type="text" value="2"/> 2 = ORANGE	<input type="text" value="3"/> 3 = PINK	<input type="text" value="4"/> 4 = RED
<input type="text" value="5"/> 5 = DARK RED			
<input type="text" value="1"/> REFRACTOMETER % SOLUBLE SOLIDS OF JUICE (Center of fruit) 11%	<input type="text" value="0"/> <input type="text" value="9"/> % CHECK VARIETY (Specify) Black Diamond		
<input type="text" value="0"/> % HOLLOW HEART	<input type="text" value="0"/> % PLACENTAL SEPARATION	<input type="text" value="0"/> % TRANSVERSE CRACK	

## 13. SEED:

<input type="text" value="1"/> <input type="text" value="2"/> MM. LONG	<input type="text" value="0"/> <input type="text" value="8"/> MM. WIDE	<input type="text" value="0"/> <input type="text" value="2"/> MM. THICK
<input type="text" value="1"/> <input type="text" value="5"/> INDEX $\div$ LENGTH $\div$ WIDTH X 10	<input type="text" value="9"/> <input type="text" value="3"/> GM. PER 1000 SEED	<input type="text" value="4"/> <input type="text" value="8"/> <input type="text" value="7"/> NO. SEED PER FRUIT
<input type="text" value="0"/> <input type="text" value="8"/> Color: 1 = WHITE	<input type="text" value="2"/> 2 = WHITE-TAN TIPPED	<input type="text" value="3"/> 3 = WHITE-PINK TIPPED
<input type="text" value="6"/> 6 = RED	<input type="text" value="7"/> 7 = DARK BROWN	<input type="text" value="8"/> 8 = DARK BROWN MOTTLED
<input type="text" value="9"/> 9 = BLACK	<input type="text" value="10"/> 10 = MOTTLED BLACK	

## 14. DISEASE RESISTANCE: (0 = Untested, 1 = Susceptible, 2 = Resistant)

<input type="text" value="0"/> ANTHRACNOSE (Race)	<input type="text" value="0"/> DOWNY MILDEW	<input type="text" value="2"/> FUSARIUM WILT	<input type="text" value="0"/> GUMMY STEM BLIGHT
<input type="text" value="0"/> SQUASH MOSAIC	<input type="text" value="0"/> WATERMELON MOSAIC	<input type="text" value="0"/> POWDERY MILDEW	<input type="text" value="0"/> CUCUMBER MOSAIC
<input type="text" value=""/> OTHER (Specify)			

## 15. OTHER RESISTANCE: (0 = Untested, 1 = Susceptible, 2 = Resistant)

<input type="text" value="2"/> SUNBURN	<input type="text" value="0"/> ROOT KNOT	<input type="text" value=""/> OTHER (Specify)
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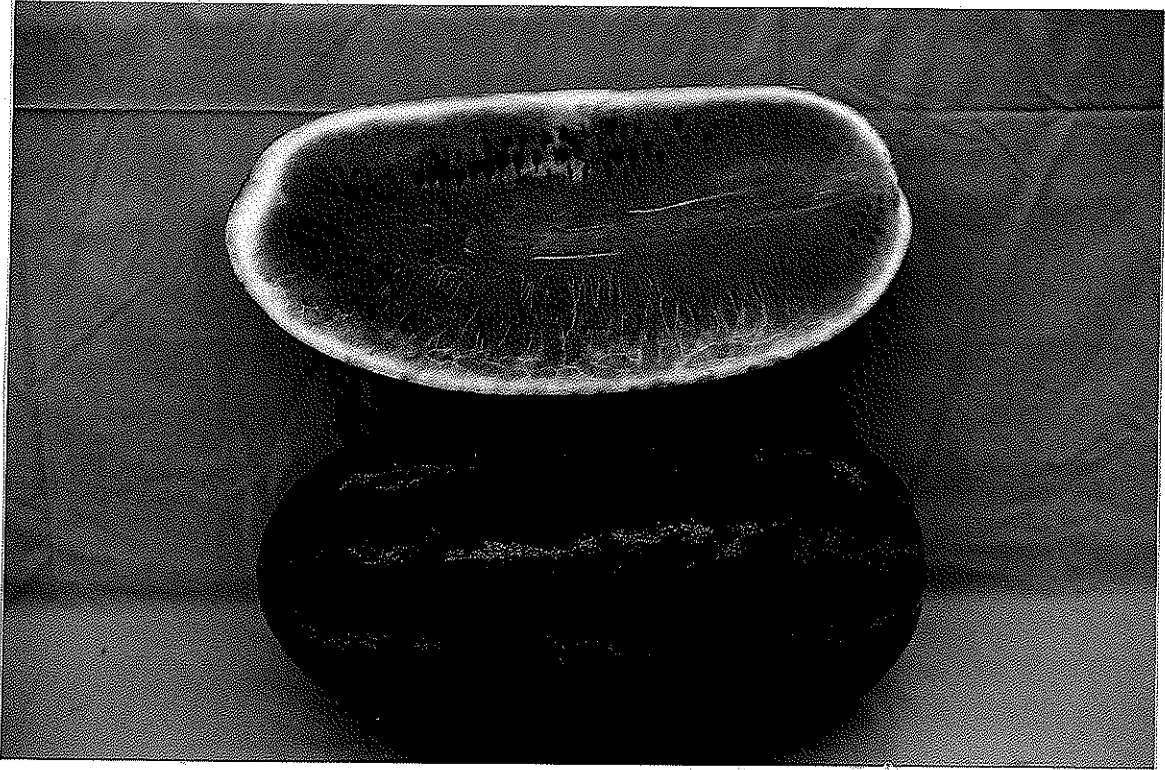
## 16. NAME A VARIETY THAT MOST CLOSELY RESEMBLES THAT SUBMITTED:

Days maturity	Similar	Fruit shape	Similar
Plant vigor	less than C270	Rind color	Similar
Fruit Size	Similar	Flesh quality	Not as firm as C270

## REFERENCES:

1. Frey, K. J. 1966. Plant Breeding - Symposium. 1 ed. Iowa State University Press.
2. Ware, G. W. and McCollum, J. P. 1968. Producing Vegetable Crops. Interstate Printers & Publishers, Inc. Danville, Illinois.
3. Whitaker, T. W. and Davis, G. N. 1962. Cucurbits. Interscience Publishers, Inc. New York.
4. Nickerson's or any recognized color fan should be used to determine the plant colors of the described variety.

9700271



RECEIVED 10/27/97

9700271

REPRODUCE LOCALLY. Include form number and date on all reproductions.

FORM APPROVED - OMB NO. 0708-0188

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICEEXHIBIT E  
STATEMENT OF THE BASIS OF OWNERSHIP

The following statements are made in accordance with the Plant Variety Protection Act (PVPA) of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety certificate is to be issued (7 U.S.C. 2421). Information is held until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) Willhite Seed Inc	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER C270	3. VARIETY NAME
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) P.O. Box 23 Poolville, TX. 76487	5. TELEPHONE (include area code) 817-599-8656	6. FAX (include area code) 817-599-5843
	7. PVPO NUMBER 9700271	

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain.

☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or U.S. based company?  
If no, give name of country☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer the following:

a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)?

☐ YES ☐ NO If no, give name of country

b. If original rights to variety were owned by a company, is the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (If needed, use reverse for extra space):

C270 is a product of Willhite Seed Inc's  
breeding program

## PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA Office of Communications at (202) 720-5881 (voice) or (202) 720-7808 (TDD).

To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.